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13 Attorneys for Plaintiffs
CRELENCIO CHAVEZ and JOSE ZALDIVAR
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15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17

18 CRELENCIO CHAVEZ and JOSE
19 ZALDIVAR, an individual and on behalf
of all others similarly situated,

20 Plaintiffs,

21 vs.

22 LUMBER LIQUIDATORS, INC. a
Delaware Corporation; and DOES 1
23 through 20, inclusive,

24 Defendants.

25 Case No. C-09-04812 SC-DMR

26 **JOINT STIPULATION AND [PROPOSED]
ORDER RE PLAINTIFFS' MOTION TO
QUASH DEFENDANT'S DEPOSITION
SUBPOENA TO CARLOS ALVA**

27 Location: Courtroom 1, 17th Floor
Judge: Hon. Donna M. Ryu

1 Pursuant to this Court's Notice of Reference and Order re Discovery Procedures, Plaintiffs
 2 Crelencio Chavez and Jose Zaldivar ("Plaintiffs") and Defendant Lumber Liquidators, Inc.
 3 ("Defendant") (collectively, the "parties") represent and agree as follows:

4 WHEREAS, on February 29, 2012, Plaintiffs filed a Motion to Quash Defendant's
 5 Deposition Subpoena to Carlos Alva ("Motion").

6 WHEREAS, on March 2, 2012, pursuant to Local Rule 6-3, Defendants filed an
 7 Unopposed Motion to Shorten Time to Hear Plaintiffs' Motion to Quash Deposition Subpoena.

8 WHEREAS, on March 5, 2012, the Court referred the subject of Plaintiffs' Motion and all
 9 further discovery matters to a Magistrate Judge to be heard and considered at the convenience of
 10 his or her calendar.

11 WHEREAS, on March 5, 2012, the Court issued a Notice of Reference and Order Re
 12 Discovery Procedures, pursuant to which the parties are required to submit a joint letter regarding
 13 the instant discovery dispute by March 9, 2012.

14 WHEREAS, pursuant to the Court's Notice of Reference and Order Re Discovery
 15 Procedures, the parties have met and conferred telephonically regarding the subject of Mr. Alva's
 16 deposition.

17 WHEREAS, as a result of meeting and conferring, Plaintiffs agree to produce Mr. Alva
 18 for deposition on Wednesday, March 14, 2012 at 10:00 a.m. at the law offices of Morgan Lewis
 19 & Bockius, located at 300 South Grand Avenue, Los Angeles, California, 90071, (415) 612-2500.

20 WHEREAS, the parties agree that the scope of the deposition shall encompass any non-
 21 privileged matter that is relevant to either party's claim or defense to the class certification issues,
 22 including, but not limited to, the two declarations recently submitted to the Court by Mr. Alva,
 23 the nature of his relationship with both of the named Plaintiffs, and the existence, description,
 24 nature, custody, condition, and location of any documents and the identity and location of persons
 25 who know of any discoverable matter.

26 WHEREAS, in order to avoid further potential delay, the parties agree that in the event
 27 any disputes arise during the deposition of Mr. Alva on March 14, 2012, they will contact the
 28 Clerk for the Magistrate Judge during the deposition and request a telephone conference so that, if

1 she is available, the parties' dispute may be resolved by the Magistrate Judge immediately during
2 the deposition via telephonic hearing and there will be no further delays in obtaining Mr. Alva's
3 deposition testimony.

4 **IT IS SO STIPULATED**

5 Dated: March 9, 2012

MORGAN, LEWIS & BOCKIUS LLP

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7 By /S/ Eric Meckley
8 Eric Meckley
9 Jennifer Svanfeldt

10 Attorneys for Defendant
11 Lumber Liquidators, Inc.

12 Dated: March 9, 2012

TAFOYA & GARCIA LLP

13 By /S/ David A. Garcia
14 David A. Garcia

15 Attorneys for Plaintiffs
16 Crelencio Chavez and Jose Zaldivar

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18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: March 9, 2012

20 _____
21 The Honorable Donna M. Ryu
22 United States Magistrate Judge
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